

Nov 21, 2017

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. MCAVOY, CLERK

JOHN L. CORRIGAN, SR.,

No. 1:16-CV-03175-SMJ

Plaintiff,

v.

GRANT COUNTY, a municipal corporation; D. ANGUS LEE; PATRICK D. SCHAFF; RYAN J. ELLERSICK; DOUGLAS R. MITCHELL; JANIS M. WHITENER-MOBERG; BRIAN D. BARLOW; TIMOTHY KRON; TOM JONES; SCOTT PONOZZO; JOHN A. ANTOSZ,

Defendants.

**ORDER GRANTING MOTION
FOR REMAND TO STATE
COURT AND CLOSING CASE**

Before the Court, without oral argument, is pro se Plaintiff John L. Corrigan's

Motion to Remand, ECF No. 35. On September 15, 2016, Plaintiff filed suit against Defendants in the Superior Court of Washington for Kittitas County alleging, among other things, claims under 42 U.S.C. § 1983 for violation of Plaintiff's constitutional rights. ECF No. 1-1. Defendants removed to this Court on October 4, 2016. ECF No. 1. On August 7, 2017, the Court dismissed Plaintiff's complaint

1 with leave to amend. ECF No. 31. Plaintiff filed an Amended Complaint. ECF No.
2 31.

3 Plaintiff's Amended Complaint contains only state law claims and involves
4 only in-state defendants. An amended complaint supersedes the original pleading,
5 which is treated as non-existent. *See Desai v. Deutsche Bank Sec. Ltd.*, 573 F.3d
6 931, 936 n.5 (9th Cir. 2009). “[W]hen a plaintiff files a complaint in federal court
7 and voluntarily amends the complaint, courts look to the amended complaint to
8 determine jurisdiction.” *Rockwell Int'l Corp. v. United States*, 549 U.S. 457, 473–
9 74 (2007). Accordingly, the Court no longer has subject matter jurisdiction over the
10 case. “If at any time before final judgment it appears that the district court lacks
11 jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c). The Court therefore
12 remands the case to the Superior Court of Washington for Kittitas County.

13 Accordingly, **IT IS HEREBY ORDERED:**

- 14 1. Plaintiff's Motion for Remand, **ECF No. 35**, is **GRANTED**.
- 15 2. All parties shall bear their own costs and attorneys' fees.
- 16 3. All pending motions are **DENIED AS MOOT**.
- 17 4. All hearings and other deadlines are **STRICKEN**.
- 18 5. The Clerk's Office is directed to **CLOSE** this file.

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
2 provide copies to plaintiff and all counsel.

3 **DATED** this 21st day of November 2017.

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6 SALVADOR MENDEZA, JR.
7 United States District Judge